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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,921	11/21/2003	Wade Martin Poteet	86581-0003	7563
24633	7590	10/06/2005	EXAMINER	
HOGAN & HARTSON LLP IP GROUP, COLUMBIA SQUARE 555 THIRTEENTH STREET, N.W. WASHINGTON, DC 20004			WEBB, CHRISTOPHER G	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/717,921	POTEET ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher G. Webb	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,8,9,15,17,21,26 and 28 is/are rejected.
- 7) ☒ Claim(s) 2-5,7,10-14,16,18-20,22-25,27 and 29-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040810</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 8-9, 15, 17, 21, 26, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Cole et al. (US 2003/0160231 A1, hereafter Cole).

With respect to claim 1, Cole discloses an UV fluorescence detector comprising: an excitation light source (fig. 5, element 510); a sample platform (fig. 5, element 520); an UV detector (fig. 5, element 114); and an analysis module for matching the induced fluorescence to a predetermined signature spectrum (paragraph [0037], lines 14-16).

As to claim 6, Cole discloses an input optic for passing the induced fluorescence to the UV detector (fig. 5, element 112).

As to claim 8, Cole discloses a second optic for receiving the induced fluorescence (fig. 5, element 112).

As to claim 9, Cole discloses that the second optic includes a filter (paragraph [0037], line 10).

As to claim 15, Cole discloses that the detector comprises a signal processor in the form of a tunable band pass filter (paragraph [0027], lines 15-17).

Art Unit: 2878

As to claim 17, Cole discloses that the excitation light source includes at least an UV LED (paragraph [0037], lines 6-7).

As to claim 21, Cole discloses that the detector detects signals within about 240 nm to about 540 nm (paragraph [0029]).

As to claim 26, it is well known in the art that UV detectors can detect UV emissions from a chemical compound.

As to claim 28, Cole discloses a method for detecting and analyzing chemical substances using UV fluorescence comprising the steps of directing an excitation light source onto the sample (paragraph [0037], lines 6-8); receiving induced fluorescent energy from the sample (paragraph [0037], lines 9-10); and determining the nature of the sample based on the received energy (paragraph [0037], lines 14-18).

### ***Allowable Subject Matter***

Claims 2-5, 7, 10-14, 16, 18-20, 22-25, 27, and 29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As the number of UV fluorescence detectors found in prior art was limited, certain features specified in the claims listed above were not found in the prior art, such as the camera platform, filter wheel, etc. Furthermore, no similar apparatus was found that would suggest that these elements be added to a detector of this type.

Art Unit: 2878

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,263,291 B1, US 2004/0007665 A1, US 2004/0085535 A1, and US 2004/0063214 A1 disclose relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher G. Webb whose telephone number is (571) 272-8449. The examiner can normally be reached on 9AM - 5:30PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGW

  
**DAVID PORTA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**